

**Before the
Federal Communications Commission
Washington DC, 20554**

In the Matter of)	
)	
Rates for Interstate Inmate Calling Services)	WC Docket No. 12-375
)	

**COMMENTS OF THE PUBLIC SERVICE COMMISSION
OF THE DISTRICT OF COLUMBIA**

Pursuant to the Public Notice issued on January 22, 2013,¹ the Public Service Commission of the District of Columbia (DC PSC) files comments regarding the intrastate inmate calling rate in the District of Columbia. The DC PSC encourages the Federal Communications Commission (Commission) to ensure that interstate inmate calling rates do not excessively burden the families of incarcerated inmates. The DC PSC is particularly interested in this proceeding because the burdens of interstate inmate calling rates fall disproportionately on the families of District of Columbia residents, since all District of Columbia inmates convicted of felonies are incarcerated outside of the District of Columbia pursuant to the National Capital Revitalization and Self-Government Improvement Act of 1997.²

THE DISTRICT OF COLUMBIA INMATE CALLING RATE IS \$1.75 PER CALL.

In the Interstate Inmate Calling Rate Notice of Proposed Rulemaking (Interstate Inmate Calling Rate NPRM),³ the Commission seeks information from states that have already set an

¹ *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Public Notice (rel. January 22, 2013).

² *See*, National Capital Revitalization and Self-Government Improvement Act of 1997, Pub. L. 105-33, § 11201 (August 5, 1997), codified at D.C. Code § 24-101(a) (2012).

³ *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Notice of Proposed Rulemaking (rel. December 28, 2012).

intrastate inmate calling rate.⁴ While the Interstate Inmate Calling Rate NPRM focuses on intrastate long distance inmate calling rates, which the DC PSC does not set because there is no intrastate long distance in the District of Columbia, the DC PSC has established an intrastate local maximum inmate calling rate pursuant to D.C. Code § § 24-263.01 and 24-263.04.⁵ In 2009, the DC PSC opened a proceeding, Formal Case No. 1072, to set a maximum intrastate calling rate. In that proceeding, the DC PSC set \$1.75 rate per call as the maximum intrastate inmate calling rate for the District of Columbia.⁶

INTERSTATE INMATE CALLING RATES SHOULD BE CAPPED AT A REASONABLE AND AFFORDABLE PRICE AND SHOULD EXCLUDE COMMISSIONS AND SURCHARGES.

Pursuant to the National Capital Revitalization and Self-Government Improvement Act of 1997, all District of Columbia inmates convicted of a felony under the District of Columbia Code (as well as inmates convicted under federal penal provisions) are incarcerated in facilities operated by the Federal Bureau of Prisons, often well beyond any reasonable traveling distance for families of meager means. Interstate inmate calls are often the only lifeline that inmates have with families and support networks. To protect this lifeline, the DC PSC supports the establishment of a per-call rate cap for interstate inmate calls at a reasonable and affordable

⁴ Interstate Inmate Calling Rate NPRM at 13-14, ¶ 34. The questions for state commissions include: “How many states set rates specifically for [inmate calling services]? What is the rate structure for [inmate calling services] in those states, and what are the rates for intrastate, long-distance calls? How do states that set specific [inmate calling service] rates ensure that [inmate calling service] providers are “fairly compensated”?”

⁵ D.C. Code § 24-263.01, 24-263.4 (2012) are part of the Fair Charges for Prisoners Act of 2000. This Act includes a prohibition on surcharges charged by the correctional institution (D.C. Code § 24-263.01(b)). The Act also includes a provision that reads: “[i]n any contract to which the District of Columbia is a party that is for the holding or incarceration of persons charged or convicted in the Superior Court of the District of Columbia, such contract shall prohibit surcharges, commissions, or other financial impositions that are in addition to the legally established rates for calls made by any inmate subject to the contract.” D.C. Code § 24-263.02 (2012).

⁶ *Formal Case No. 1072, In the Matter of the Implementation of the Fair Phone Charges for Prisoners Act*, Order No. 15270 at 3, ¶ 9, rel. May 18, 2009.

price. An affordable per-call rate cap would provide assurance to families that they will have access to their incarcerated family member and that they will know the maximum amount that they are to be charged per call.

The DC PSC also notes that in the District of Columbia, “surcharges, commissions, or other financial impositions that are in addition to the legally established rates for calls made by any inmate” are prohibited.⁷ The DC PSC believes that the interstate inmate calling rate should not include any commissions, surcharges, or other financial compensation to the correctional facility of any governmental agency operating the correctional institution, since they lead to higher inmate calling rates, which in turn lead to fewer inmate calls.


CONCLUSION

A reasonable interstate inmate calling rate is an essential element in helping inmates preserve the family connections they will need to later transition back into society. In the DC PSC’s view, interstate inmate calls services should be contain a per-call rate that is reasonable and affordable and devoid of commissions, surcharges, or other financial compensation to the correctional facility.

The Commission appreciates the opportunity to submit comments in this proceeding.

Respectfully submitted,

**PUBLIC SERVICE COMMISSION
of the DISTRICT OF COLUMBIA**

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⁷ D.C. Code § 24-263.02 (2012).

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